

**UNITED STATES DISTRICT COURT
IN THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

**JUAN E CANTU, JR.,
Plaintiff**

v.

**NUECES COUNTY JAIL STAFF,
ET AL.,
Defendants**

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Civil No. 2:07-cv-444

ORDER GRANTING MOTION FOR ENTRY OF DEFAULT JUDGMENT


In this case, *pro se* Plaintiff Juan E. Cantu, Jr. claims he was assaulted by six inmates while he was incarcerated at Nueces County Jail in 2008. Plaintiff sues Nueces County and Officer Martin Guajardo, the officer Plaintiff claims was on duty at the time of the alleged assault. Plaintiff sues Officer Guajardo in his individual capacity, claiming he ignored and failed to report the assault. Pending before the Court is Plaintiff's motion for entry of default judgment against Officer Guajardo in his individual capacity. The United States Magistrate Judge recommends the Court grant Plaintiff's motion and award him \$875.00 plus post-judgment interest against Officer Guajardo in his individual capacity. Officer Guajardo filed no objection.

The Court regards such omission as Officer Guajardo's agreement with and acceptance of the Magistrate Judge's findings. When no timely objection to the Magistrate Judge's Memorandum and Recommendation is filed, the Court need only satisfy itself that there is no "clear error" on the face of the record in order to accept the Magistrate Judge's recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto. Ass'n.*, 79 F.3d 1415, 1420 (5th Cir. 1996)). The Court finds no error in the Magistrate Judge's

memorandum and adopts her findings and conclusions.

Plaintiff's motion for entry of default judgment against Officer Martin Guajardo in his individual capacity is GRANTED (D.E. 91). The Court enters judgment that Plaintiff recover \$875.00 plus post-judgment interest against Officer Martin Guajardo in his individual capacity.

ORDERED this 11 day of April, 2010.


HAYDEN HEAD
SENIOR U.S. DISTRICT JUDGE